



In the Court of Additional Commissioner, Jammu  
(With the powers of Divisional Commissioner)  
(Rail Head Complex, Jammu)  
(0191-2478991, 2478999, Fax-2478997, e-mail:  
divcomjammu@gmail.com)

File No.  
18/Revision  
2020-21

Date of Institution  
04-05-2021

Date of Decision  
30-10-2021

1 Balbir Singh S/o Lt. Sh. Tara Singh R/o Village Koulpur Tehsil Vijaypur and District Samba

**VERSUS**

Petitioner

1 Makhan Singh

2 Balbir Singh (both sons of Sh. Ajit Singh) resident of Village Koulpur Tehsil Vijaypur and District Samba.

..... Respondents

3 Kaptan Singh

4 Mastan Singh,

5 Jasbir Singh all sons of Sh. Tara Singh

6 Joginder Kour

7 Swaran Kour all daughters of Sh. Tara Singh

8 Jagir Kour (W/o Sh. Tara Singh)

9 Parseeno Kour daughter of Sh. Moti Singh

All residents of village Koulpur Tehsil Vijaypur and District Samba

..... Proforma Respondents

10 Tehsildar, Vijaypur

IN THE MATTER OF:

Revision against the order No. 90/TV/OQ dated 28.04.2021 passed by respondent No. 10 in petition seeking partition by way of metes and bounds titled "Balbir Singh versus Makhan Singh and Ors " pending before respondent No. 10 in terms of which the respondent No. 1 has been permitted to raise complete construction of his residential house. Prayer for setting aside the same.

ORDER

The present revision was transferred to this Court by the Ld. Divisional Commissioner, Jammu vide order dated 04/05/2021 for disposal under law.


On receipt of the case file, notice was issued to other side and status quo was ordered to be maintained on spot. The parties being co-sharer are agitating the matter before this court in view of the fact that the Tehsildar Vijaypur permitted the respondent no. 1 herein to raise construction of his residential house over the land in dispute. However, this court restrained the parties from raising new construction over the suit land.

Today on 30/10/2021 the case came up for hearing and Ld. Counsels of both the sides while arguing the matter pleaded that it would be in the fitness of things if the matter is remitted to the Court of SDM Vijaypur for affecting the partition proceedings in the matter within a time frame to be fixed by this court. Ld. Counsels for respondents pleaded that private partition among co-sharers have already been effected on spot, which may be affirmed under Section 118 of the Land Revenue Act. Therefore, in view of the pleadings advanced by the Ld. Counsels of both the sides, the case is remitted to the Court of SDM Vijaypur for initiating proceedings under the relevant provisions of the Land Revenue Act i.e. Section 105 or 118 whichever is applicable in the instant case. For this purpose the parties shall appear before the SDM Vijaypur and file proper application for partition proceedings. SDM Vijaypur on receipt of the application shall take further proceedings in the matter and dispose of the same as soon as possible after hearing both the parties and also completing the formalities under the relevant provisions of the Act and conclude the partition proceedings. A copy of the order be sent to Sub-Divisional Magistrate, Vijaypur for information and necessary action. The stay granted by this Court, shall stand vacated and the case file be consigned to records after due completion.

Announced  
30/10/2021

Sd/---  
Pawan Kumar Sharma, KAS  
Additional Commissioner, Jammu  
[with the powers of Divisional Commissioner]

9/c Website -

  
27/11/21